THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO. 28988 OF 1998

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DATED: 16-09-2005.

Between:

G. Vijaya Kumar, S/o. Subba Rao,

30 years, Occu: Barbar,

R/o.Sy.No.127/1/D, Erragadda,

Hyderabad and 11 others …Petitioners

And

The Chief Judge, City Civil Court,

at Hyderabad/Appellate Authority

under A.P.Public Premises(Eviction

of un-authorised Occupants) Act.and

two others … Respondents

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ORDER:

Order of eviction passed against them by the second respondent, under the provisions of the A.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1968, on the ground that they are unauthorisedly continuing in the premises of the 3rd respondent hospital, petitioners preferred C.M.A.No.171/98 to the Chief Judge, City Civil Court, Hyderabad (first respondent), who dismissed the same on 18-08-

1998 by the order impugned in this petition. Hence this petition questioning the order of the first respondent.

The contention of the learned counsel for the petitioners is that first respondent was in error in dismissing the appeal of petitioner without taking into consideration that petition of the petitioner to the Collector to regularize their occupation is still pending and that he ought to have awaited the orders of the Collector.

The premises in occupation of the petitioners, admittedly are within the compound of the third respondent hospital premises and within the compound wall constructed by the third respondent. The fact that petitioners claim that they sought for regularization of their occupation from the Collector, clearly shows that the premises in their occupation does not belong to them, but belongs to the Government. Therefore, prima facie occupation of the petitioners of the land of the 3rd respondent is unauthorized and so, I find no grounds to interfere with the order of the first respondent confirming the order of 2nd respondent.

Since the apprehension of the learned counsel for the petitioners is that the collector may not consider the application of petitioners on merits in view of this order, this petition is dismissed with costs with an observation that the Collector can consider the application for regularization allegedly made by the petitioners, earlier, according to the rules in force, uninfluenced by this order.

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C.Y.SOMAYAJULU, J.

Dated: 16..09..2005.

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